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executive officer to exclude a citizen from the use of the mail, because, in that officer's opinion he at some previous time had violated the law by using the mail in an improper manner by sending unmailable matter, is an exercise of judicial and not executive authority on the part of such officer. The use of the mail is a right, and an order of the Postmaster General which finds complainant guilty of a violation of the postal laws, and prohibits to him the use of the postal service of the United States as far as the receiving of mail is concerned, is not due process of law, within the meaning of the Fifth Amendment to the Constitution. See especially *Ex parte Jackson*, 96 U. S. 727; *Association* v. *Zumstein*, 67 Fed. 1000; also *Dartmouth College Case*, 4 Wheat. 518; *Bank of Columbia* v. *Okely*, 4 Wheat, 235.

*Collision—Liability of City for Negligence of its Fire Tug.—Thompson Nav. Co.* v. *City of Chicago*, 79 Fed. Rep. 984. In a libel *in personam* against the city of Chicago, growing out of a collision between the city's fire tug and libelant's propeller, the circumstances were such that had the tug been owned by private parties, and engaged in private enterprise, there could be no doubt of their liability for the injury done. *Held*, that the city was liable *in personam*. In *U. S.* v. *The Malek Adhel*, 2 How. 209, Mr. Justice Story made it apparent that the liability of the owner, to the extent of his vessel, for injuries resulting from negligence or misconduct is not dependent upon any relation of master and servant, or principal and agent existing between him and crew, but rests solely upon the fact of ownership. So, although at common law the city is not liable for the negligent acts of the fire department, on the ground that the members of the fire department are not the servants of the city in its corporate capacity, yet it is liable in this case for the injury done by the vessel by virtue of the mere fact of ownership. Where such liability exists certain political bodies are sometimes exempted, but solely on the ground of public policy (*The Siren*, 7 Wall. 152), and this exemption stops short of city government. The decision in *The Fidelity*, 16 Blatchf. 569, Fed. Cas. No. 4,758, is followed in so far as it maintains that an action *in rem* cannot lie against the boat, lest its seizure disarm the city, even temporarily, of its equipment to put down fires; but is disapproved in its conclusion that the city is also not liable *in personam*.

*Conspiracy—Funeral Directors' Association—Refusal to Sell Goods to Debtors.—Brewster* v. *Miller et al.*, 41 S. W. Rep. 301 (Ky.). In an action brought to recover damages against a funeral directors' association for refusal of its members to sell goods to plaintiff on the ground that he was already in debt to one of its members, the fact that the association was a pool to regulate prices in violation of the statute (Ky. St. sec. 3915), would give plaintiff no right to action against it ("*Addison on Torts*," vol. 2, sec. 850). Nor is an article of the association directing its members not to sell to one who refuses to

pay a previous debt to any of its members contrary to the statute, or an offense at common law (*Cooley on Torts*, p. 278; *Schulter* v. *Brewing Co.*, 90 Ky. 224, 28 S. W. 504). The case is distinguished from *Carew* v. *Rutherford*, 106 Mass. 1, where a mechanic, under the necessity of employing workmen, was held to have been compelled by duress to pay a sum of money which he was under no legal obligation to pay, in consequence of a conspiracy which induced the workmen to leave his employ. In the present case, even if the particular article was intended to force plaintiff to pay a debt which he did not owe, still no cause of action existed, as he did not pay the sum demanded.

*Riparian Rights—Respective Rights of Owner and Public.—Pollock* v. *Cleveland Ship-building Co.*, 47 N. E. Rep. 582 (O.). The defendant, a shipbuilding company, in arranging derricks to repair vessels, carried lines in front of and across a portion of the plaintiff's river bank and tied them to posts and piles driven upon its own land. Held, in an action of trespass, that the public is entitled to moor vessels for the purpose of repairs, putting in machinery, etc., opposite the land of a riparian proprietor, but that such right does not extend to the use of lands not covered by water.